

EUROPEAN ECONOMIC AREA

STANDING COMMITTEE OF THE EFTA STATES

Ref. 1090137
12 March 2009
Brussels

Decision of the Standing Committee of the EFTA States No. 2/2009/SC of 12 March 2009

on an application by Iceland concerning exemptions from working time and rest periods in road transport pursuant to Regulation 561/2006.

WHEREAS Regulation (EC) No. 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No. 3821/85 and (EC) No. 2135/98 and repealing Council Regulation (EEC) No. 3820/85 (hereinafter 'Regulation 561/2006') was integrated into Annex XIII to the EEA Agreement as point 24e by Decision of the EEA Joint Committee No. 154/2006.

WHEREAS Articles 6-8 of Regulation 561/2006 stipulate the driving times, breaks and rest periods for drivers engaged in the carriage of goods and passengers by road.

WHEREAS Article 14(1) of Regulation 561/2006 as adapted by the EEA Agreement by Protocol 1 thereto, states that, provided the objectives set out in Article 1 are not prejudiced, the EEA EFTA States may, after authorisations by the EFTA Surveillance Authority, grant exceptions from the application of Articles 6-8 to transport operations carried out in 'exceptional circumstances'.

WHEREAS pursuant to the Decision of the Standing Committee of the EFTA States No. 4/2008 of 23 June 2008, the EFTA Surveillance Authority shall be assisted by the EFTA Working Group on Transport when the EFTA Surveillance Authority issues authorisations in accordance with Article 14(1) of Regulation 561/2006.

WHEREAS the EFTA Surveillance Authority must in such cases follow the procedures described in Article 4 of Decision of the Standing Committee of the EFTA States No. 3/94.

WHEREAS according to Article 4 of Decision No. 3/94 of the Standing Committee, the EFTA Surveillance Authority shall be assisted by a committee composed of representatives of the EFTA States and chaired by the representative of the EFTA Surveillance Authority.

WHEREAS the representative of the EFTA Surveillance Authority shall submit to the committee a draft of the measures to be taken and the EFTA Surveillance Authority

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adopt the measures envisaged if they are in accordance with the opinion of the committee.

WHEREAS if the measures envisaged are not in accordance with the opinion of the committee the EFTA Surveillance Authority shall, without delay, submit to the Standing Committee a proposal relating to the measures to be taken.

WHEREAS Iceland, in a letter dated 11 April 2008 to the EFTA Surveillance Authority requested exemptions from the application of Articles 6-8 to transport operations carried out in exceptional circumstances on the basis of Article 14 (1) of Regulation 561/2006.

WHEREAS the EFTA Surveillance Authority submitted a draft measure to the committee established pursuant to Decision of the Standing Committee No. 3/94 by written procedure, rejecting Iceland's request for exemptions from Article 6-8 of Regulation 561/2006.

WHEREAS the committee did not agree with the draft measure submitted by the EFTA Surveillance Authority.

WHEREAS the EFTA Surveillance Authority, in a letter dated 25 February 2009, submitted its proposal to the Standing Committee.

WHEREAS pursuant to Article 4 of Decision of the Standing Committee No. 3/94 the Standing Committee must act within three months or the proposed measures shall be adopted by the EFTA Surveillance Authority.

WHEREAS that period expires on 25 May 2009.

WHEREAS the Standing Committee has carefully studied the scientific documentation submitted by Iceland and obtained by the EFTA Surveillance Authority from "Orion Consulting".

THE STANDING COMMITTEE OF THE EFTA STATES
HAS DECIDED AS FOLLOWS:

Article 1

The draft measure submitted by the EFTA Surveillance Authority in its letter to the Standing Committee dated 25 February 2009, Case No: 64560, Event No: 507573, is rejected.

Article 2

Iceland's request dated April 11, 2008, ref. SAM08040021/619, for exemptions from Articles 6-8 of Regulation (EC) No. 561/2006 of the European Parliament and of the Council of 15 March 2006 on harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No. 3821/85 and (EC) No. 2135/98 and repealing Council Regulation (EEC) No. 3820/85), referred to at point 24e in Chapter II of Annex XIII to the Agreement of the European Economic Area, is considered justified approved.

Done at Brussels, 12 March 2009

For the Standing Committee

The Chairman

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The Secretary-General

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